



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

MEH:tj
Docket No: 3803-99
17 August 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS Memorandum 1160 PERS-815 of 27 July 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

1160 IN REPLY REFER TO
PERS-815
27 Jul 99

MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: PERS-00ZCB

Subj: BCNR PETITION ICO ~~XXXXXXXXXXXXXXXXXXXX~~

Ref: (a) SNM's DD Form 149 dtd 04 Jun 99
(b) NAVADMIN 253/98
(c) NAVADMIN 132/99

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.

- Petitioner reenlisted on 31 Mar 1999 for six years to continue active service. Petitioner's EAOS at the time was 31 Mar 1999. Reference (b) did not carry a zone "C" SRB entitlement for the AC(0000) rate at the time petitioner reenlisted.


- Reference (c), released on 30 Apr 1999 with an effective date of 01 May 1999 carried a zone "C" SRB entitlement for the AC rate.

- Petitioner requests to expunge the reenlistment date of 31 Mar 1999 and extend his EAOS of 31 Mar 1999 for 1 month to effect a reenlistment on 30 Apr 1999 and receive the zone "C" SRB entitlement offered in reference (c).

- BUPERS/OPNAV cannot provide information pertaining to subsequent SRB NAVADMIN's until the NAVADMIN has been released. Therefore the petitioner could not have been counseled concerning reference (c) prior to the reenlistment. Petitioner's hindsight is not sufficient grounds to expunge the 31 Mar 1999 reenlistment as no error or injustice was committed.

2. In view of the above, recommend petitioner's record remain as is.

3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


S. R. CHRISTY
Head,
Reenlistment